

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE COMPANY'S)	
PETITION FOR CONFIDENTIAL TREATMENT OF)	CASE NO. 95-113
COST DATA FILED IN CONNECTION WITH)	
NETWORK QUEUING (NetQ SM) SERVICE)	

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("Cincinnati Bell"), filed March 21, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with Cincinnati Bell's proposed tariff revisions introducing Network Queuing Service on the grounds that disclosure of the information is likely to cause Cincinnati Bell competitive injury, and it appearing to this Commission as follows:

Cincinnati Bell seeks approval of a revision to its General Exchange Tariff, PSCK No. 3, which introduces Network Queuing Service, or NetQSM. The information sought to be protected consists of the cost data filed in support of the revisions. Cincinnati Bell maintains that disclosure of the information is likely to cause it competitive injury.

The information sought to be protected is not known outside Cincinnati Bell and is not disseminated within Cincinnati Bell except to those employees who have a legitimate business need to know and act upon the information. Cincinnati Bell seeks to

preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts several categories of information from open inspection. One category exempted in paragraph (c)1. of that subsection is information confidentially disclosed to the Commission which if openly disclosed would permit an unfair commercial advantage to competitors of the source of the information. To qualify for this exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Cincinnati Bell's competitors for NetQSM Service are providers of customer premises equipment. Disclosure of the information sought to be protected would enable such competitors to obtain detailed information about Cincinnati Bell's cost and contributions from the service which competitors could utilize in planning market entry and development of pricing strategies to the detriment of Cincinnati Bell. Therefore, disclosure of the information is likely to cause Cincinnati Bell competitive injury, and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by Cincinnati Bell in connection with its proposed tariff revisions to introduce NetQ™, which Cincinnati Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 14th day of April, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director